

PATENT

#3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Group:  
Edmond Daniel Roussel et al. ) Examiner:  
Serial No.: 09/331,554 )  
Filed: ) Corresponding to:  
Title: ABSORBABLE COMPOSITION ) International Application PCT/FR97/02399  
CONTAINING PROPIONIC BACTERIA ) International Filing Date: 23 December 1997  
CAPABLE OF RELEASING NITRIC )  
OXIDE IN THE HUMAN OR ANIMAL )  
ALIMENTARY CANAL )

ATTENTION: APPLICATION PROCESSING DIVISION  
SPECIAL PROCESSING AND CORRESPONDENCE BRANCH

SUBMISSION OF EXECUTED DECLARATION,  
SUBMISSION OF EXECUTED VERIFIED STATEMENT AND  
REQUEST FOR PARTIAL REFUND OF GOVERNMENT FILING FEE

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

Enclosed herewith is the signed and dated Declaration in the above-identified application. Also enclosed is a Verified Statement which entitles applicant to a 50% reduction in Government fees.

Applicant requests a partial refund of the filing fee which was submitted to the U.S. Patent and Trademark Office. On June 21, 1999, applicant submitted the PCT National filing fee of \$970.00. With the submission of the enclosed Verified Statement claiming Small Entity Status, applicant requests a refund of \$485.00 to be applied to Deposit Account No. 02-0385, BAKER & DANIELS.

Submitted herewith is a check in the amount of \$65.00, to cover the late Declaration surcharge. Also enclosed is Forms PCT/DO/EO/905 and PCT/DO/EO/917. If the enclosed remittance is insufficient, the Commissioner is authorized to charge any additional amount due to Account No. 02-0385, BAKER & DANIELS.

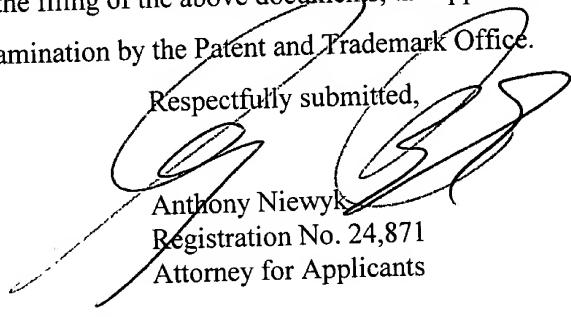
The Commissioner is authorized to charge payment of the following fees during pendency of this application or credit any overpayment to Deposit Account No. 02-0385 BAKER & DANIELS:

08/30/1999 PWD/PE 00000131 09331554  
01 FC:254 1. Any additional fees required under 37 CFR 1.16.  
65.00 OP  
2. Any patent application processing fees under 37 CFR 1.17

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3. Any filing fees under 37 CFR 1.16 for presentation of extra claims  
It is submitted that with the filing of the above documents, the application is complete  
and may be submitted for examination by the Patent and Trademark Office.

Respectfully submitted,

  
Anthony Niewyk  
Registration No. 24,871  
Attorney for Applicants

AN:pmp

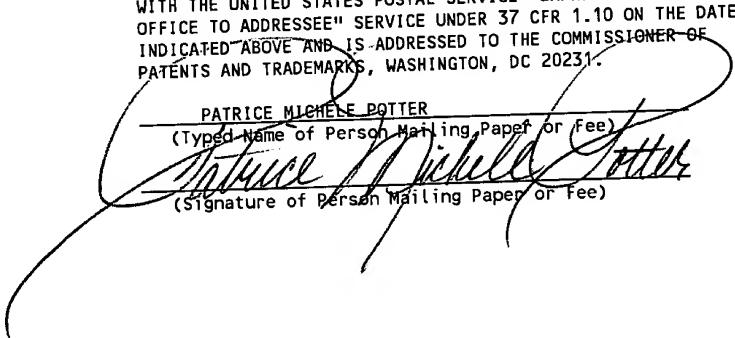
BAKER & DANIELS  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 219-424-8000  
Facsimile: 219-460-1700

Enc.: Declaration  
Verified Statement  
Form PCT/DO/EO/905  
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DATE OF DEPOSIT August 23, 1999

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
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PATENTS AND TRADEMARKS, WASHINGTON, DC 20231.

  
PATRICE MICHELE POTTER  
(Typed Name of Person Mailing Paper or Fee)  
(Signature of Person Mailing Paper or Fee)



Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY/DOCKET NO.
09/331554	ROUSSEL	E ER0033
ANTHONY NIEWYK BAKER & DANIELS 111 EAST WAYNE STREET SUITE 800 FORT WAYNE, IN 46802		INTERNATIONAL APPLICATION NO.
		PCT/FR97/03399
		I.A. FILING DATE
		23 DEC 97
		PRIORITY DATE
		24 DEC 96
		DATE MAILED: 29 JUL 1999

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:  
 a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495):  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 21 JUN 99 and \_\_\_\_\_.  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

**BEST AVAILABLE COPY**

Enclosed:

PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

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